

**REMARKS**

Claims 13-18 have been amended. Claims 1-18 remain in the application. Applicant reserves the right to pursue the original claims and other claims in this and other applications.

Claims 1, 3, 4, 10, 12 and 13 are rejected under 35 U.S.C. § 102 as being anticipated by Ikeda. Reconsideration is requested.

Claim 1 recites, among other things, “determining … whether data [is] to be recorded/replayed in real time **or** … with accuracy” (emphasis added). The reason this determination is made is that there is a separation between PC data and video data. Specifically, the specification states that “PC data is preferably recorded/replayed with accuracy rather than data processing speed. On the other hand, video data are preferably recorded/replayed in real time in order to avoid the occurrence of interruptions and halts in the video.” (Applicant’s specification, page 21, lines 3-11). Accordingly, it is beneficial to first determine which type of data, PC or video, is about to be recorded/replayed.

Meanwhile, the Ikeda reference is focused entirely on sound and image data only (column 6, lines 18-24). Ikeda does not discuss PC data or any equivalent whatsoever. Consequently, Ikeda would have no reason to make the above “determining” step, as the Ikeda invention is entirely focused on playing back entertainment media such as music and video images.

Further, Ikeda is focused on viewing and listening to the data in real time, while at the same time having reliability using appropriate error correction (col. 10, lines 25-28). Consequently, Ikeda would have no reason to make the above “determining” step, as Ikeda strives to create a viewing and listening experience that is in real time. Consequently, Ikeda would always choose the “real time” path of Claim 1, would never choose the “accuracy” path, and would thus have no need to perform any “determining” step.

Claims 2-18 depend from claim 1, or recite limitations similar to those discussed above in connection with claim 1. Claims 2-18 should be allowable along with claim 1 and for other reasons.

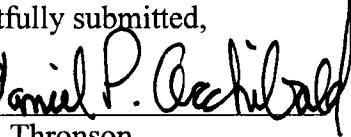
Moreover, claims 6-9 all recite performing a retry operation a predetermined number of times, where that predetermined number of times varies and changes depending on various factors (e.g. determine whether PC data or video data (claim 6); determine whether PC data or video data wherein if video data, perform no retry at all (claim 7); determine whether PC data or video data, wherein if video data, ignore an error (claim 8); and determine whether PC data or video data, if video data, skip over an error if video data (claim 9)).

The Kawashima reference was cited to suggest these features (Office Action, page 4). However, Kawashima's retry controlling means 118 stores a predetermined criterion value, but Kawashima gives no indication that this predetermined criterion value can be changed or adjusted depending on various factors. Consequently, Kawashima cannot suggest the claimed feature.

Allowance of the application, as amended, with claims 1-18, is solicited.

Dated: March 1, 2010

Respectfully submitted,

By   
Mark J. Thronson

Registration No.: 33,082  
Daniel Archibald  
Registration No.: 62,450  
DICKSTEIN SHAPIRO LLP  
1825 Eye Street, NW  
Washington, DC 20006-5403  
(202) 420-2200  
Attorneys for Applicant